



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,795	08/09/2001	Michael R. Ekholm	092259-9016-00	4218

23409 7590 01/13/2003

MICHAEL BEST & FRIEDRICH, LLP
100 E WISCONSIN AVENUE
MILWAUKEE, WI 53202

EXAMINER

UPTON, CHRISTOPHER

ART UNIT PAPER NUMBER

1724

DATE MAILED: 01/13/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

925795

Applicant(s)

Ekhola et al

Examiner

Upton

Group Art Unit

1724

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 10/29/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-46 is/are pending in the application.
- Of the above claim(s) 12-14, 20 and 21 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 6-10, 15, 16, 18, 22, 29, 36, 39-42, 44 and 45 is/are rejected.
- ☒ Claim(s) 2-5, 11, 17, 19, 23-28, 30-35, 37, 38, 43 and 46 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit 1724

1. Applicant's election of claims 1-11, 15-19 and 22-46 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 29-35 and 43 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 29 recites that the inlet pipe and the screen are eccentric. This is inherent to the parallel spaced apart axes recited in claim 22. Claims 30-35 depend from claim 29, and recite the subject matter recited by claims 23-28.

Claim 43 duplicates the language of claim 37.

3. Claim 44 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 44 depends from claim 43, which is a duplicate of claim 37 and has been objected to under 37 CFR 1.75(c), above.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the eccentric primary flow modifiers with angled secondary pipes or secondary pipes extending

Art Unit 1724

different distances, as recited in claims 5, 24-25 and 31-35 must be shown or the feature(s) cancelled from the claim(s). No new matter should be entered.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 8-10, 15, 18, 36, 41, 42 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Maxson.

Figure 5 of Maxson discloses a cylindrical screen having a primary flow modifier forming an annular space with plural secondary flow modifiers in the annular space, with the primary flow modifier extending further into the interior than the secondary flow modifier, as claimed.

7. Claims 1, 6, 15, 16, 36 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by McFarlin ('636 and '173).

Art Unit 1724

The '636 and '173 McFarlin disclose cylindrical screens having primary flow modifiers (the necks 10 and 6, respectively), forming annular spaces, with secondary flow modifiers (the baffles 6 and 10, respectively) in the annular spaces extending further into the interior than the primary, as claimed.

8. Claims 7 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarlin as applied to claims 6 and 39 above, and further in view of Maxson.

Claims 7 and 40 differ from the McFarlin patents in recitation of plural secondary flow modifiers extending different distances into the interior. It is known to use a plurality of baffles extending into the interior space of a screen, as shown in figure 5 of Maxson. It would therefore have been obvious for one of ordinary skill in the art to use plural baffles in the McFarlin patents, to improve flow distribution.

9. Claims 22 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Stiles.

Stiles discloses a cylindrical inlet screen with an eccentric inlet pipe (E), as claimed.

10. Claims 2, 3, 17, 19 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit 1724

The recitation of a cylindrical inlet screen having a primary flow modifier extending into the interior forming an angular space and a secondary flow modifier in the space at an angle to the primary longitudinal axis patentably distinguishes over the prior art of record.

11. Claims 4, 5, 11, 23-28, 38 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

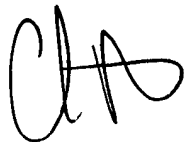
Claim 44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The recitation a cylindrical inlet screen having a primary flow modifier extending into the interior forming an angular space and a secondary flow modifier in the space, where the flow modifiers are eccentric to the screen axis patentably distinguishes over the prior art of record.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Idland discloses a filter with an eccentric outlet.

13. Any inquiry concerning this communication should be directed to Christopher Upton at telephone number (703) 308-3741.



CHRISTOPHER UPTON
PRIMARY EXAMINER